

REMARKS

The Office Action dated November 3, 2005, has been received and carefully considered. In this response, claim 66 has been added. Entry of the addition of new claim 66 is respectfully requested. It is believed that this Amendment, in conjunction with the following remarks, place the application in immediate condition for allowance. Accordingly, entry of this Amendment and favorable consideration of the application are respectfully requested.

I. **THE OBVIOUSNESS REJECTION OF CLAIMS 1-65**

On page 2 of the Office Action, claims 1-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norris considered with Phillip, Storms, "Using Mortgage Credit to Achieve Client Objectives" and Lending Tree. This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Regarding claim 1, the Examiner asserts -- and Applicants agree -- that Norris does not disclose "aspects of credit profiles and the provision of at least one credit financing opportunity comprising any number of financial products that meet the user objective." The Examiner states, however, that "[a] user's objective is usually taken in consideration when trying to obtain credit financing." The Examiner alleges that "Philip Storms discusses in an article entitled "Using

Mortgage Credit to Achieve Client Objectives” that in providing a loan to a client, the client’s profile must be analyzed and a more appropriate credit financing meeting the client’s objective must be considered and chosen. The Examiner alleges that “LendingTree further teaches a means or steps for determining at least one credit financing opportunity based on the credit data at least one predetermined decision rule wherein at least one credit financing opportunity comprises any number of financial products that meet the user objective.”

Applicants respectfully submit, however, that neither Philip Storms nor LendingTree – alone or in combination -- teach or suggest the specific step of “determining at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective,” as expressly set forth in independent claim 1. Philip Storms, for example, merely discloses information relating to using mortgage debt or credit to replace consumer debt to ease the burden on the consumer, but does not teach or suggest any feature that may “determine[e] at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective.” Applicants respectfully submit that the mere disclosure of using mortgage debt to cover or replace consumer -- as is done in Philip Storms -- fails to teach or suggest the specific claim recitation.

LendingTree is similarly deficient. In particular, LendingTree comprises a collection of web site screen shots presenting a series of questions posed to a user for purposes of determining mortgage qualification. For example, the first pages set forth a series of “5 quick steps” the user can perform to qualify for a mortgage. Applicants respectfully submit, however, that LendingTree does not make up for the deficiencies of Norris and Philip Storms and does not

disclose any feature or functionality that comprises the specific step of “determining at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective,” as recited in independent claim 1. Applicants respectfully submit that asking a user a series of questions in connection with qualification mortgage application is not the same as “determining at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective.”

Further, Applicant respectfully submits that the Office Action fails to set forth a proper motivation or suggestion to modify Norris to incorporate the teachings of Philip Storms or Lending. The Office Action merely states that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings provided by Philip Storms and LendingTree into the system of Norris in order to allow the system to tailor credit financing opportunities based on specific needs of a customer.” Applicants respectfully submit, however, that Norris relates to an automatic financial account processing system and thus would not benefit from incorporating Philip Storms’ general concept of using mortgage debt to replace consumer debt, and/or LendingTree’s specific questions for determining mortgage qualification. In fact, Applicants respectfully submit that such a combination would not be able to determine at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective.” In addition, Applicants respectfully submit that there is no teaching or suggestion in Norris or Philip Storms regarding the desirability of such a combination, much less how such a combination could be achieved. As for LendingTree,

Applicants respectfully submit that the questions presented in the web site screen shots do not – even if incorporated into the teachings of Norris – result in a system or method that “determin[es] at least one credit financing opportunity based on the credit data and at least one predetermined decision rule, wherein the at least one credit financing opportunity comprises any number of financial products that meet the user objective.” In fact, Applicants respectfully submit that even if the motivation or suggestion to modify Norris to incorporate Philip Storms and/or LendingTree were proper, such combination or modification would still not result in the exact systems and methods claimed in the above application. Accordingly, Applicants respectfully submit that claim 1 is allowable over the cited references.

Applicant respectfully submits that each of independent claims 20, 39, 58 and 60 are allowable at least for the reasons set forth above.

Claims 2-19, 21-38, 40-57, 59 and 61-66 are dependent upon independent claim 1, 20, 39, 58 or 60. Thus, since independent claim 1, 20, 39, 58 and 60 should be allowable as discussed above, claims 2-19, 21-38, 40-57, 59 and 61-66 should also be allowable at least by virtue of their dependency on independent claim 1, 20, 39, 58 or 60. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 66 recites the method of claim 1 wherein the user objective comprises at least one of obtain a lower interest rate, obtain lower payments, obtain credit, or any other objective. Applicants respectfully submit that neither Norris, Philip Storms, nor LendingTree -- alone or in combination -- teach or suggest the method of claim 1 wherein the user objective comprises at least one of obtain a lower interest rate, obtain lower payments, obtain credit, or any other objective.

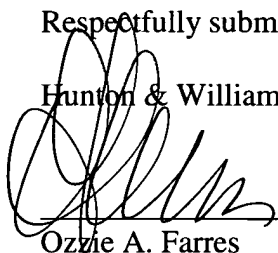
In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-65 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,
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